

**Libby Community Advisory Group  
Meeting Summary  
June 22, 2000**

**Introductions**

Gerald Mueller and Libby Community Advisory Group (CAG) members present introduced themselves. A list of the members in attendance is attached below as Appendix 1.

**Agenda**

Mr. Mueller reviewed an agenda for this meeting including the following topics:

- Environmental Protection Agency (EPA) Report
- ATSDR Report
- Community Medical Trust Update
- Report from Stress Response Team
- W.R. Grace Responses to CAG Member Questions
- Public Comment Period
- Next Steps - Meeting Date and Agenda

**Clinton Maynard May 25, 2000 Meeting Statement**

Gerald Mueller announced that he neglected to attach Clinton Maynard's statement at the May 25, 2000 meeting to the June 8, 2000 meeting summary. The statement is attached to this summary.

**EPA Report**

Wendy Thomi gave EPA's report.

*Site Cleanups* - EPA is beginning mobilization, inventory, and decontamination at the screening plant site. The Parkers have been relocated and are participating in the site cleanup. Demolition is scheduled to begin on June 26. EPA has rejected W.R. Grace's work plan for the export site. W.R. Grace has until June 28 to respond to EPA's comments and to resubmit the work plan. If W.R. Grace does not submit an acceptable work plan by that date, EPA may proceed with cleanup and bill the company. Copies of the W.R. Grace work plan and EPA's comments are available at the EPA Information Center in Libby.

**Sampling Results**

EPA has begun mailing the results of the dust and indoor air sampling of the 85 homes conducted this past March and April. EPA hopes to analyze the insulation and soil samples with scanning electron microscopy or infrared microscopy. The technique formerly used, polarized light microscopy, has been discontinued. The change in analytical technique will delay reporting the results of the insulation and soil samples for two months. The interviews of the people in 80 of the sampled homes and businesses have been completed. EPA will convene a public meeting on Thursday, July 13 at 7:00 p.m. in the Memorial Gym to discuss the dust and ambient air sampling results.

*Question from CAG Member - Whose decision is it to change analytical techniques, and was the change a problem for anyone in EPA?*

Answer: Chris Weis of EPA makes the decision to move to the latest technology. No one in EPA has a problem making the change. Doing so, however, requires writing a new analytical protocol. Because the protocol would affect work at other sites as well as Libby, EPA must provide an opportunity for comments on the new protocol. The protocol drafting and the need to receive and

review comments is the cause of the two month delay in reporting the insulation and soil sampling results.

*Question from CAG Member - Will the change in analytical technique mean that any homes and businesses must be re-sampled?*

Answer: No. The original samples were preserved so that they can be subject to electron microscopy. We will, however, re-sample if the need arises.

*Medical Screening* - A total of 2,382 people have been scheduled for screening. However, because the screening facilities will not be ready on June 26, screening will not begin until July 5. This delay has caused the rescheduling of 389 people, including 30 from out-of-state. Fourteen of the latter cannot be rescheduled and will be screened at the hospital before the new screening facility is operational. The 3,000 square foot building to house the screening has been delivered to the site in three sections and is being assembled. An 8" sewer line has been laid to this building. The alley and parking lot for this building has been paved. Another 900 square foot building that will house Pat Cohen and Brad Black and staff of the Prompt Care Clinic should arrive on June 23. Ten local people, including four interviewers and six receptionist/schedulers will be hired locally through the Job Service. As of July 19, two weeks after the screening begins, the 1-800 telephone number will be answered in Libby. The need for anyone living for at least six months in Libby prior to 1990 to be screened has been or soon will be publicized in the local newspapers. It will also be announced on KLCB radio as well as the Libby cable TV channel. Use of a free bill board is also being sought. Posters are being hung throughout the town and Troy. Volunteers are needed to hang the posters in local churches.

*Question from Audience Member - Did the number of calls to schedule screening increase after the publicity in the newspaper?*

Answer: Yes.

*CAG Member Question - Was the soil at the medical screening building sampled before the building was erected?*

Answer - No. Because the site was formally a parking lot, any dust that settled during operation of the mine was probably dispersed long ago. The site is now paved and will not be a source of contaminated dust.

*CAG Member Comment - The rescheduling will change the number of screenings on some days from the planned number of 55-60 to 80. While we think this higher number can be accommodated, some people may feel hurried.*

*CAG Member Comment - Brad Black reported that the protocol for additional testing of people in the high risk category, i.e. cat-scans and full lung function, is under development by EPA's Dr. Miller and himself. One of the difficult issues is deciding whom to include besides W.R. Grace workers and their families in the high risk category.*

*CAG Member Question - How many people have self-referred for screening?*

Answer: ATSDR will get this number for the next meeting.

### **Update on the Community Medical Trust**

Rick Palagi provided the update. The Community Medical Trust Steering Committee established by

the CAG has interviewed three law firms that might provide assistance with establishing the structure and process for a trust. The three firms were the Dietrich Law Firm from Helena, Holland and Hart from Billings, and the Doney Law Firm also in Helena with an associate in San Francisco. The Doney group including Frank Crowley, Alan Payne, and Mike Donovan were selected and asked to come to a future CAG meeting to discuss the trust and perhaps the role and purpose of the CAG itself.

#### Roger Sullivan

Mr. Palagi introduced Mr. Roger Sullivan, an attorney from Kalispell who has been involved in both personal injury and class action law suits against W.R. Grace over Libby asbestos issues. According to Mr. Sullivan about 150 Libby families have filed personal injury suits against W.R. Grace, the first of which was the Skramstad suit filed in 1997. About 100 of these suits are filed in Libby District Court and 50 in federal court in Philadelphia. During discovery for these cases, documents were obtained that demonstrated that W.R. Grace knew that the Libby ore contained asbestos, that the asbestos was a deadly toxin, and that W.R. Grace did not disclose these facts to its workers. Mr. Sullivan's firm's ongoing legal work has four goals:

- Obtaining compensation for personal injury and property damage;
- Ensuring that the state requires adequate clean up of W.R. Grace sites, including the export, screening, and mine tailings so that no one else is injured and Libby gets a clean bill of health;
- Defeating state and federal legislative efforts to give relief to corporations that caused asbestos contamination by shifting clean-up and medical responsibilities to tax payers; and
- Pursuing class action law suits to ensure that W.R. Grace funds long-term medical monitoring and remediation of hazardous levels of asbestos.

The class action law suits are seeking punitive damage awards to the Libby community rather than individuals that could provide funding to a community medical trust. Mr. Sullivan stated that his firm is seeking a local solution to the asbestos problem that is complementary to others such as the CAG that is working to benefit the Libby community.

*Question from CAG Member - Will the class action suits seek money for medical treatment or just long-term monitoring?*

Answer: Funds for medical treatment should be sought through personal injury cases, not class actions.

*Question from Audience Member - In addition to asbestosis and lung cancer and mesothelioma, are you seeking recovery for other cancers such as kidney and pancreatic cancer?*

Answer: Asbestos exposure can cause increased incidence of other cancers, but a specific medical assessment is needed for each individual.

*Question from CAG Member - In addition to the law suits, what about pursuing mediation with W.R. Grace to set up a community medical trust?*

Answer: Mediation is required in personal injury law suits. Particularly after the defeat of the federal asbestos legislation, W.R. Grace may seek settlements in the personal injury and class action law suits filed against it.

*Question from CAG Member - What is the expected time frame for completing the class action law suits that might be used to fund a community medical trust?*

Answer - Completion time is uncertain.

*Question from CAG Member - What is the statute of limitation for filing suit?*

Answer - One should always seek legal council to consider any individual case. Generally, for personal injury cases involving negligence, the statute of limitation is three years, and for other cases two years.

### **Report from Stress Response Team**

Jan Shubert from EPA and Pam Tucker from ATSDR reported that they have conducted four workshops attended by 20 to 25 people, including counselors, registered nurses, and social workers from Libby, Kalispell, and Helena. Libby community members have also attended. Workshop participants have expressed interest in establishing a support group for people affected by the asbestos exposure. Staff from ATSDR, EPA, and St. John's Hospital are cooperating to establish a group in two to three weeks. The opportunity to participate in the support group will be advertised and a volunteer group facilitator will be sought. Ms. Shubert and Tucker plan to return to Libby in September to conduct work shops for the general community.

*Question from CAG Member - Why must the facilitator be a volunteer? Isn't funding available to pay this person?*

Answer: ATSDR funding is available only for mental health assessments, not for treatment. ATSDR and EPA have brain-stormed possible funding sources. EPA will seek funding through the Health Resource Service Agency.

*Question from CAG Member - When will answers be provided to questions asked last week by Mr. Lee?*

Answer - Complete answers should be available early in July.

*Question from CAG Member - Has ATSDR funded counseling in the past?*

Answer - No. We have helped write grant requests.

*Question from CAG Member - Has a community ever recovered mentally and emotionally from a situation similar to that faced in Libby?*

Answer - The community involved with Three Mile Island has been studied and stress effects were being measured six to ten years afterward. The end of a community recovery process has not been documented. Communities have not wanted long-term psychological testing from the federal government.

*Question from CAG Member - Where is Libby in the recovery process?*

Answer - Libby has most likely experienced a peak and continues at a level of chronic stress above normal.

*Question from CAG Member - Could ATSDR establish a psychological research component in Libby?*

Answer - The federal Office of Management and Budget blocks psychological research by federal agencies. We can supply the names of university researchers interested in this area. Stephen Couch of Penn State University is one such researcher.

*Question from CAG Member - Are grants available for the CAG?*

Answer - Not from EPA. If the CAG chose to incorporate as a non-profit, grants would be available. Colleen Mitchell, Executive Director of the Montana Chapter of the National Association of Social Workers, has agreed to search for funding to pay the support group facilitator.

*Statement from Audience Member - As the medical screenings are completed, people will need immediate mental and emotional support. Money is needed for professional help.*

Response: St. John's Hospital can act as a referral center for crises responses.

#### **W.R. Grace Responses to CAG Member Questions**

Because the W.R. Grace spokesperson was not in attendance, the W.R. Grace responses will be deferred until the next meeting.

#### **Other Audience and CAG Member Discussion**

John Constan distributed a chronology of the State's involvement with the Libby asbestos problem. The CAG agreed to revisit on a future meeting two topics, funding for a facilitator for the stress support group and possible CAG incorporation.

#### **Next Meeting**

The next meeting is scheduled for Wednesday, July 12, 2000 from 7 to 9 p.m. in the Ponderosa Room of the Libby City Hall. The CAG requested that Dr. Kardos, a representative of the W.R. Grace medical plan administrator, Health Network of America, be invited to discuss the W.R. Grace medical plan the July 12 meeting. Other agenda items requested included:

- Members of the Doney Law Firm will discuss formation of the community medical trust and the role and purpose of the CAG; and
- The W.R. Grace written responses to CAG Member Questions will be considered; and
- Continued discussion of funding for a facilitator for the stress support group and possible CAG incorporation.

# **Appendix 1** **CAG Member Attendance List** **June 8, 2000**

<b>Name</b>	<b>Group/Organization Represented</b>
Kenneth Hays	Lincoln County Council on Aging
Rick Palagi	St. Johns Lutheran Hospital
Kerry Beasley	St. Johns Lutheran Hospital
Cyrus Lee	Kootenai Valley Headstart
Bob Tunis	Lincoln County Economic Development Corporation
Mike Switzer	Asbestos Victims
Commissioner Rita Windom	Lincoln County
Sandy Wagner	Libby Resident
Grayson Casey	Kootenai Realty
David F. Latham	The Montanian
Mayor Tony Berget	City of Libby
Mike Noble	Alternate for Leroy Thom
Wendy Thomi	EPA Community Involvement
Jan Shubert	EPA Stress Project
K.W. Maki	Libby Schools
Don Willkins	Sawmill Workers
Gayla Benefield	LCAVRO
John Constan	DEQ
Norita Skramstad	Asbestos Victims
Chris Poulet	ATSDR Region VIII
Pam Tucker	ATSDR
Chris Weis	EPA
Brad Black	Lincoln County Health Officer

May 25, 2000

Presented to the Libby Community Advisory Group(C.A.G.);

First I would like to thank Lerha Parker for her presentation two weeks ago. Some may have thought that it was a little overdone. I think not. We have reached a point in this asbestos issue that drawing pictures to get the point across seems appropriate.

This is a disaster area in slow motion. It takes 10-50 years for the full damages to show.

Tremolite Asbestos is toxic. It causes cancers of the lung, colon, kidneys, laryngeal, stomach, gallbladder, pancreas, ovaries, esophagus, lymphoid tissue; it causes a cancer called mesothelioma that is almost specific to asbestos exposure and if you have enough of it in your lungs it causes asbestosis which produces lung failure.

Not all will develop disease from this stuff, but we are all at increased risk.

There has been a spin put on this asbestos issue that has made people think that this is of concern for just the mine workers and their families.

This is of concern to all this population.

From a 1975, Grace air sampling data sheet, comes three air samples taken in downtown Libby.

St. Regis office area	1.5 Fiber/CC
Hospital area	1.1 Fiber/CC
J.C. Penney's Store	0.67 Fiber/CC

The current Permissible Exposure Level set by OSHA for an 8 hour exposure in the occupational setting is 0.1 Fiber/CC.

What does this mean?

This means that the person at the St. Regis office area in a 24 hr. period had inhaled over 20 million fibers.

The person in the hospital area inhaled over 15 million fibers and the person at the J.C. Penney's store inhaled over 9 million Toxic Asbestos Fibers.

People, this is serious.

On that rainy December day in 1975 we had no choice. No one told us and we couldn't see it.

Today we have a choice and we have a window of opportunity to put together what is needed here for the future.

The Medical Screening has got to have 100% participation by this population.

This may be our only opportunity to secure the funding for medical needs and research that is needed.

People, all across America are concerned for the people in Libby, Montana.

It's time for the people in Libby to be concerned about Libby.

If I have misstated anything I would ask to be enlightened.

Thank-you